



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/19

1 February 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Human Rights Watch, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

China

1. Human Rights Watch has repeatedly expressed its view that the United Nations Commission on Human Rights must take account of China's international human rights obligations. Over the past year there has been a tightening of controls on basic freedoms in China, many trials of political dissidents, and intensified efforts to suppress ethnic minorities in Tibet and Xinjiang. We call on the Commission to adopt a strongly worded resolution condemning the widespread violations of internationally recognized human rights in China and urging the Government to take positive steps to end these abuses.
2. We draw the Commission's attention to China's misuse of "rule of law" rhetoric to justify restrictions on the peaceful expression of views by those who may oppose official policy or organize independent activities. New regulations have been adopted which further erode the rights of China's citizens to free expression, association, assembly, belief, and to fair and open trials.
3. In October 1998, China's State Council promulgated stringent new Social Organization Registration and Management Regulations which bar non-profit and voluntary groups from operating without Government approval. Approval is contingent upon, *inter alia*, the applicant's abiding by the State's policy as defined by the State itself. In recent months, the authorities have used these controls to shut down groups such as Corruption Watch and the China Democracy Party (CDP). In 1999, CDP leaders were sentenced to prison terms as long as 13 years for their peaceful dissent. This past year, new regulations were adopted limiting public assembly by requiring the consent of the relevant Public Security Bureau for every gathering of 200 people or more, including concerts, sporting events, "qigong or other body exercisers and mass congregations". No application would be considered without prior approval from the appropriate government bureau.
4. The Government of China has applied new interpretations of its criminal law retroactively in its campaign against what it has labelled "heretical cults", such as the Falun Gong, before definitively banning them last October. By so doing, the Government has arrogated to itself the right to determine what constitutes a legitimate religion or belief structure and what is simply ignorant superstition. Religious congregations which refuse the close scrutiny provided for in government regulations continue to be closed down and their leaders and members subjected to harassment, fines, and administrative and judicial sentences.
5. Defendants in politically charged trials continue to have difficulties finding lawyers, their families are barred from attending trials, and judges openly favour the prosecution, frequently curtailing a defendant's right to speak on his own behalf. A series of regulations still permit a committee to administratively sentence thousands of citizens annually to punishments ranging from 15 days to 3 years for a loosely defined set of offences.
6. In Tibet and in Xinjiang, treatment of prisoners routinely violates the United Nations Standard Minimum Rules for the Treatment of Prisoners. There have been at least four deaths in

Tibet in 1999 resulting from torture and beatings. In the latest case, the detainee died from injuries sustained as he was apprehended. Details of 11 rumoured deaths in connection with two protests in Drapchi prison in May 1998 during a European Union visit have recently come to light. Chinese authorities have never responded in full to requests for information. Similarly, in Xinjiang, torture is commonly used to extract "confessions".

Colombia

7. Armed conflict intensified in Colombia during the past year as negotiations between the Government and guerrillas stalled. The administration of President Andrés Pastrana was slow to develop a plan to improve human rights protections even as guerrillas used territory ceded to them not to talk peace, but to further war. Paramilitary groups working in some areas with the tolerance and open support of the armed forces continued to massacre civilians, commit selective killings, and spread terror. Guerrillas also flouted international humanitarian law, executing and kidnapping civilians and carrying out indiscriminate attacks. Throughout the country, Colombians fled political violence, with waning chances of finding refuge, food and medical care.

8. The Departments of Antioquia, Meta, Santander and Bolivar remained among the most dangerous. Victims ran the gamut of Colombian society. In 1999, paramilitaries were considered responsible for 78 per cent of the total number of human rights and international humanitarian law violations. For their part, guerrillas were credited with 20 per cent. State forces were linked to 2 per cent. Some government officials claimed ties to paramilitary groups were severed and cited the low percentage of violations credited to State forces acting alone. However, the percentage does not reflect State forces that routinely assisted paramilitary atrocities. Indeed, cooperation between army units and paramilitaries remained commonplace. For instance, government investigators detailed direct collaboration between the Medellín-based Fourth Brigade and paramilitaries commanded by Carlos Castaño.

Sierra Leone

9. In July 1999, a peace agreement was signed between the Government of Sierra Leone and the rebel forces of the Revolutionary United Front (RUF). During the war, RUF committed gross and systematic abuses, including the indiscriminate murder of civilians; mutilation; rape; abduction of civilians for purposes of sexual slavery, forced labour and training as child combatants; and the use of civilians as human shields. Government forces, including civilian militias and the peacekeeping troops of the Nigerian-led Economic Community of West African States Monitoring Group (ECOMOG), also committed serious abuses, including summary executions of suspected rebels or collaborators, use of child soldiers and indiscriminate bombings. Human Rights Watch is deeply concerned about the provision of the peace accord that grants amnesty for all crimes committed during the war.

10. The consequences of the impunity for human rights violations and the lack of international attention to enforcing the peace agreement can be seen in ongoing human rights abuses. From July through December 1999, Human Rights Watch documented violations by members of RUF and the former Sierra Leonean army (ex-SLA) including looting, rape, murder, torture and abduction. Scores of villages have been attacked forcing thousands of civilians to flee.

11. The peace agreement included the establishment of a truth and reconciliation commission (TRC) to address issues of impunity. However, the future TRC will never be able to function effectively without a database which currently does not exist, from which to work. The Commission on Human Rights should therefore establish a commission of inquiry into past abuses charged with creating the database necessary for the future TRC.

Democratic Republic of the Congo

12. The conflict in the Democratic Republic of the Congo continued through 1999, notwithstanding the Lusaka Peace Agreement signed in July and August by the main warring parties. The war aggravated an already dire human rights situation in the country, where civilians pay the heaviest toll. The Government and rebels alike routinely resort to extrajudicial killings, arbitrary detentions and inhumane and degrading treatment of their perceived ethnic and political adversaries. Both parties to the conflict extensively recruit child soldiers and are responsible for violence against women. Hundreds of thousands of civilians have been internally displaced or fled to neighbouring countries. The rebels' repression of Congolese civil society is rivalled by equally repressive tactics against dissenting voices by President Kabila's Government.

13. In 1999, the Commission requested the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to investigate the killings of refugees in 1996-1997. Accountability for past as well as current abuses committed in the country remains a matter of utmost urgency. We therefore call on the Commission to renew the mandate of the Special Rapporteur, including continued investigation into events of 1996-1997, and to provide the necessary support for the Special Rapporteur and the field office of the Office of the High Commissioner for Human Rights in Kinshasa.

Uzbekistan

14. Human Rights Watch, noting the rapid, severe and intransigent deterioration of human rights in Uzbekistan, calls on the Commission on Human Rights to appoint a Special Rapporteur on that country. Since the end of 1997, and in particular since February 1999, when terrorist explosions struck the capital, Tashkent, the Government has ordered the arrest of thousands of men for purported anti-Government activity. The arrests have continued throughout 1999. The exact numbers are not known, owing to the Government's tight control on information. Witnesses interviewed by Human Rights Watch describe universal violations of the detainees' due process rights, including the planting of evidence by police during arrest, denial of access to counsel, beatings and other forms of torture to extract confessions, and patently unfair trials.

Those arrested are sometimes convicted not only of anti-State activity but of membership in forbidden Islamic organizations, often purely on the basis of outward acts of piety, such as regular prayer at home or Koranic study. Frequent violations of rights include the right to freely espouse one's religion. Since 1998, the Government has restricted religious freedom by convicting adherents of suspect religious tendencies, both Christian and Muslim, of criminal offences, by refusing to register congregations and by forbidding the dissemination of religious literature and religious teaching by persons not approved by the State. The Government similarly severely restricts political rights and basic civil rights such as freedom of expression and freedom of association.
